

Application No.: 10/532,713

Docket No.: 3884-0124PUS1

AMENDMENTS TO THE DRAWINGS

Please Replace the current Drawings with the Replacement Drawings attached hereto.

REMARKS

Claims 1 and 6-8 are pending. No new matter has been added by way of the present submission. For instance, a substitute specification and replacement drawings are provided. Also, claim 1 has been amended to include subject matter taken from originally filed claims 3-5 as well as the present specification at page 4, lines 1-7, and page 1, lines 17-19 as originally filed. New claim 6 is supported by page 4, lines 4-5 of the originally filed specification. New claims 7 and 8 are supported by claim 1 as amended. Accordingly, no new matter has been added.

Objections to the Drawings

At pages 2-3 of the outstanding Office Action, the Examiner has objected to the drawings. Applicants respectfully traverse these objections. First, the Examiner asserts that the Figures are of poor quality. Applicants have rectified this matter by providing Replacement drawings herewith. Second, the Examiner asserts that the drawings must show every feature of the invention specified in the claims. Applicants disagree and submit that there exists no such requirement for drawings. Regardless, Figure 6, illustrates the claimed invention.

Objection to the Specification

The Examiner has objected to the specification asserting that it contains improper language and that the Abstract is informal. Applicants have provided a substitute specification herewith which renders these issues moot.

Issues under 35 U.S.C. §112, second paragraph

The Examiner has rejected claims 1-5 under 35 U.S.C. § 112, second paragraph for the reasons recited at pages 5-6 of the outstanding Office Action. Applicants respectfully traverse.

The Examiner has outlined various rejections to claims 1, 2, 3 and 5. However, these issues are rendered moot by the amended version of the claims now pending. Accordingly, the Examiner is respectfully requested to withdraw these rejections.

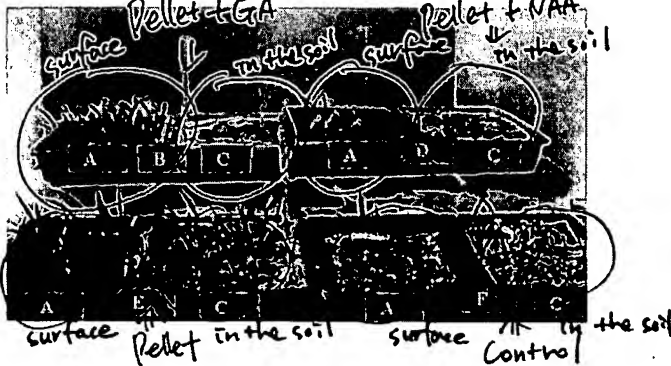
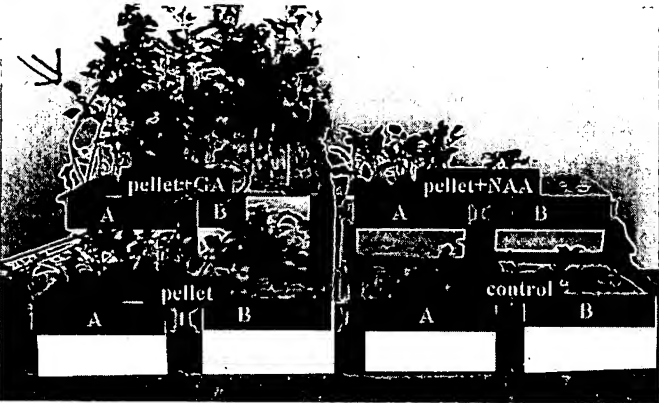
Issues under 35 U.S.C. § 102(b)/103(a)

The Examiner has rejected claims 1-5 under 35 U.S.C. § 102(b) as anticipated by, or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Nilsson, USP 4,628,633 (hereinafter referred to as Nilsson). Applicants respectfully traverse this rejection.

Independent claim 1 relates to a cultivation method for bulbous plants comprising the steps of: a) mixing (1) fertilizer comprising nitrogen (N), phosphorus (P) and potassium (K), (2) plant growth hormone comprising gibberellic acid (GA), (3) peatmoss, and (4) water-soluble glue, to obtain a pellet mixture; b) compressing and forming a pellet from said pellet mixture prepared in Step a) by dividing the pellet mixture into a lid and a base; c) drying the pellet formed in Step b) to achieve a water content of 15 - 25 % by weight; d) inserting the bulbous plants in the dried base, covering the dried base having the bulbous plants inserted therein with the dried lid and compressing to produce a pellet with inserted bulbous plants; and e) sowing the pellet obtained in Step d) without covering with soil.

In contrast the present invention, the above specific steps and limitations are neither disclosed nor suggested by Nilsson. In order to further understand the distinctions between the present invention and Nilsson, Applicants provide the following Comparison Table.

		Present Invention - e.g., claim 1	Cited reference (Nilsson)
Object		Providing a cultivation method of bulbous plant	Providing a method of preparing a seed capsule
C O N S T I T U T I O N	Subject	cultivation method of plant	method of preparing a seed capsule
	process	<p><u>a) mixing fertilizer of nitrogen (N), phosphorus (P) and potassium (K) and GA as a plant growth hormone with peatmoss using water-soluble glue;</u></p> <p><u>b) compressing and forming</u> a pellet from the mixture by dividing it into a lid and a base;</p> <p><u>c) drying</u> the pellet formed Step b) <u>to a water content of 15~25%</u> by weight;</p> <p><u>d) inserting</u> the bulbous plants in the dried base, covering with the dried lid and compressing to produce the resulting pellet with inserted bulbous plants; and</p> <p><u>e) sowing</u> the pellet without covering with soil.</p>	<p><u>pre-compressing</u> a material to form a plate thereof, the pressure substantially being exerted in at least one first direction generally parallel to the plate plane;</p> <p><u>compressing</u> the plate obtained in a second direction substantially normal to the plate plane into a sheet comprised of a layer of a plurality of generally spherical capsule bodies, each capsule having a central hexagonal peripheral portion, the hexagonal peripheral portions of adjacent capsule bodies being connected by thin material portions such that the capsule bodies are substantially hexagonally close-packed in said sheet thereof; in said compressing step forming a radial recess in each capsule body extending substantially from the center thereof;</p> <p><u>inserting a seed</u> into each radial recess;</p> <p><u>sealing each recess</u> by a plug member;</p> <p><u>separating the individual seed capsules</u> from each other</p>

Effects	<p>1. Providing <u>simple</u> cultivation method 2. Remarkable effects</p> <p>According to ① <u>sowing on the soil surface</u> and ② <u>adding GA (no NAA)</u> as a plant growth hormone Refer to FIG. 7 and 10 in the drawings of the present application as below.</p> <p>FIG. 7</p>  <p>FIG. 10</p> 	<p>1. <u>No described</u> cultivation method</p>
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Accordingly, it is evident that significant patentable distinctions exist between the presently claimed subject matter and the cited reference of Nilsson. The Examiner is therefore requested to withdraw this rejection.

If the Examiner has any questions or comments, please contact Craig A. McRobbie, Reg. No. 42,874, at the offices of Birch, Stewart, Kolasch & Birch, LLP at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: May 22, 2007

Respectfully submitted,

By 

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Small at the time the invention was made was employed by EKC Technology, Inc., the assignee of US 2005/0090109. Christopher G. Hayden was an outside attorney employed by EKC Technology, Inc., to draft and prosecute patent applications, and had informed EKC Technology, Inc. that all rights stemming from Mr. Hayden's inventive effort would be assigned to EKC Technology, Inc. when the utility application was filed.

7: We inform the Examiner that the draft application attached herewith was in fact filed as U.S. provisional patent 60/509920 which was filed on October 10, 2003.

8: EKC Technology, Inc. assigned the rights to the application to Dupont Air Products Nanomaterials LLC. Dupont Air Products Nanomaterials LLC decided in October 2004 not to pursue the application. This provisional application lapsed.

9: At no time did the inventors intend to abandon the application. On being informed of the decision of Dupont Air Products Nanomaterials LLC to not pursue the application, Robert J. Small requested that the rights to the invention be transferred to himself and the other named inventor, Christopher G. Hayden, so that the inventors could prosecute the application.

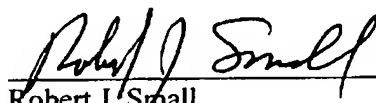
10: It was not until 2005 that permission was granted by Dupont Air Products Nanomaterials LLC allowing the inventors to file and pursue a patent application on the invention independent of Dupont Air Products Nanomaterials LLC.

11: As the inventors clearly had possession of the invention before the earliest priority dates of both cited references, we respectfully request that the rejections be reconsidered and removed.

12: We the inventors each declare that all statements made herein are of my own knowledge true and that all statements are made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements so made are punishable by fine or imprisonment, or both, under section 1001 of Titles 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED: November 22, 2006

Christopher G. Hayden



Robert J. Small